

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Byron Rivers,)	Case No. 4:18-cv-03252-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
State of South Carolina,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Plaintiff's Complaint and Amended Complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF Nos. 1, 9. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings and a Report and Recommendation ("Report"). On February 7, 2019, the Magistrate Judge issued a Report recommending that the Complaint be summarily dismissed. ECF No. 13. Plaintiff was advised of his right to file objections. Plaintiff failed to file objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or

recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. This action is **DISMISSED** without prejudice and without issuance of service of process. Plaintiff has been previously notified of his deficiencies, has been given an opportunity to amend his complaint, and has availed himself of that opportunity. See *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619 (4th Cir. 2015); *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064 (4th Cir. 1993); see also *Grady v. White*, No. 16-7722, 2017 WL 1437235 (4th Cir. April 24, 2017) (dismissing without remand because district court previously afforded Plaintiff the chance to amend his complaint).

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

March 22, 2019
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.